

## Hearing Aid Dispensers Bureau Advisory Committee Meeting

Department of Consumer Affairs  
1625 North Market Blvd, 2<sup>nd</sup> Floor, Suite N-220  
El Dorado Conference Room  
Sacramento, CA 95834

Thursday, December 13, 2007

### Meeting Minutes

#### Agenda Item I- Call to Order & Roll Call

Mr. Randy Sager called the meeting to order at 11:05 a.m. Roll call was taken and a quorum was established.

#### Members Present:

Ms. Judith Horning  
Mr. Randall Sager  
Mr. Deane Manning  
Ms. Marta Carrera  
Ms. Deobrah Martin  
Ms. Juanita Sendejas-Lopez

#### Staff Present:

Ms. Mellonie Yang, Bureau Chief, Hearing Aid Dispensers Bureau  
Ms. Dianne Dobbs, Bureau Legal Counsel  
Ms. Yvonne Crawford, Hearing Aid Dispensers Bureau  
Ms. Debbie Newcomer, Hearing Aid Dispensers Bureau

## Agenda Item II- Approval of July 20, 2007 Meeting Minutes

The minutes from July 20, 2007 were approved as written. A motion by Dean Manning was seconded by Juanita Sendejas-Lopez. The vote carried.

## Agenda Item III- Bureau Update

Mr. Robert Puleo introduced Mellonie Yang, the newly appointed Bureau Chief for Hearing Aid Dispensers Bureau, (and is also Chief of Professional Fiduciaries Bureau, Telephone Medical Advice Services, & Bureau of Naturopathic Medicine). A brief personal and work history was given.

Mr. Puleo reported on the Bureau budget. The budget is fine for the year, don't anticipate any problems. Also projections through 2009-2010 are good.

Thank-yous were given to Mr. Puleo for helping as Acting Bureau Chief for the Hearing Aid Dispensers Bureau. He is currently Assistant Deputy Director of Legislative & Regulatory Review Division, and has been filling in until Ms. Yang's appointment.

## Agenda Item IV-Re-issuance of Trainee License (B&P 3357 (c))

Ms. Crawford explained that an issue has come up over the last several months related to trainee license applicants that have previously held a trainee license for the full amount of time allowed under the law. They have left the profession for a significant amount of time, are now back in California, or wish to return to dispensing hearing aids, and want to get their license once again. The Business & Professions Code 3357, indicates that a license is issued for six

months and may be renewed for two additional six-month periods and the Bureau shall not issue more than two renewals.

The law doesn't allow for another trainee license, after 18-months have been exhausted. We are bringing this issue before the Committee to discuss a possible change in law. We will need to establish guidelines and criteria for issuing a new trainee license.

Mr. Puleo stated we didn't want to create a loophole where someone can keep getting a temporary trainee license but establish criteria that would give them a chance to start over. We are setting them up to fail if they haven't practiced in awhile. It was mentioned that these people had never been permanently licensed, they've only had a trainee license. We don't want to run the risk of someone taking the exam over and over, yet continue to practice forever. There is no limit on the number of times someone can retake the exams.

Discussion followed. Ms. Cynthia Taylor-Peppers wondered if the same consideration could be given for a trainee license as permanent licenses with regards to issuing of new licenses.

Ms. Yang stated that Hearing Aid Dispensers Bureau policy is different from other professions. This locks them out of profession, where most of the other programs can get formal education and training they need.

Ms. Trisha Hunter stated many other licensing groups or programs, accredit schools so it is a school accreditation process, allowing an individual to get training under the creditation process of the school, not the individual to get a temporary license such as hearing aid dispensers.

Ms. Crawford told Mr. Sager that he could make a proposal that would allow an individual to apply for one additional temporary license after three years elapses from the last renewal or cancellation date. There was no discussion or comments. Mr. Sager entered the above motion, with Ms. Horning seconding and the motion carried.

## Agenda Item V- Newsletter

Ms. Crawford reported on the discussions at prior Advisory Committee meetings related to possibly reinstating a newsletter. Before the Hearing Aid Dispensers Examining Committee (now the Hearing Aid Dispensers Bureau) was sunset, publications of newsletters were discontinued due to budget and staffing constraints. We need to discuss what information should be provided and to whom. Should it include only information from the Bureau? It was suggested that it could go via the internet. Mr. Sager feels it is a good idea, that there is a hidden body of knowledge that could be shared with others as he feels it would strengthen the profession, educate licensees and fall in line with our mission of protecting the public. Mr. Sager said he would be willing to help with the newsletter.

Ms. Martin asked if licensees could get information on line, and Mr. Sager responded it is online, but it is difficult for information to be available to all and a newsletter would be helpful.

Mr. Puleo stated how important education is and it helps protect the consumers. He also stated that printing costs might prohibit the Bureau from sending through the mail, and that staff should investigate the cost. Ms. Peffers stated that the internet would be a wonderful idea, and how it would allow many licensees to get current information regarding advertising, new laws, and other issues.

Ms. Yang said there were lots of things to consider with regard to edit, filter, view process, guidelines to follow, not allowing others to advertise for themselves in the newsletter. She suggested that two members come back to the Committee with recommendations. Ms. Peffers asked if there were any previous guidelines? Ms. Crawford said she didn't believe there were any guidelines but we could review the old newsletters, which were provided. Mr. Puleo suggested that we check with Board of Architects, and Pharmacy and see what their internal policy is. They did not think it would be effective if given only through the website. It was mentioned that there are a number of changes in email addresses, causing returns. We could add to their renewal a notice or the newsletters.

Mr. Manning suggested that the purpose would be better served with a hard copy and we should look into the cost. Mr. Sager said that he'd like to be involved and he'll be on the adhoc. Ms. Sendejas-Lopez volunteered to help. Mr. Manning made a motion to establish adhoc committee to investigate the reissuing of a newsletter to all licensees. Ms. Carrera seconded the motion, with no discussion, and the motion carried.

### Agenda Item VI- Advertising Guidelines

Ms. Crawford reported that the Advertising Guidelines Subcommittee, Ms. Horning, Ms. Carrera, Ms. Dobbs, Ms. Yang and Ms. Crawford met last week.

Discussion at the meeting included advertising complaints and education of licensees. What can the Bureau do to reduce complaints about advertising? Determine what is the best way to educate licensees on advertising laws and regulations. Over the past five years 76% of closed complaints were related to advertising. Therefore, this is an ongoing issue. The Subcommittee looked at the most common complaints: failure to disclose discount, what discount was off of, such as MSRP or list price, failure to include qualification of the nature of hearing test, and clarification as to educational degree or certification obtained.

The Laws & Regulations related to advertising are available on the Bureau's website, and the Bureau informs licensees of possible violations when complaints are received, and issue fines for repeat violations. The Department of Consumer Affairs Complaint Resolution Program handles complaints for the Bureau, and educates licensees on the laws related to advertising. The main issue was what the Bureau can do to further educate and prevent advertising violations, avoid repeat violations, reduce infractions, enhance licensee awareness. Included in the agenda packet is a list of alternatives that were discussed at the Subcommittee meeting. The Subcommittee decided on revising advertising guidelines, partnering with the association on educating licensees on advertising laws and regulations, developing advertising CE courses, initiating a

newsletter, and placing frequently asked questions related to advertising on the website.

Ms. Horning said it was also mentioned to list a licensee name and license number in ads. That is not required currently. Many organizations have many offices and this might be a problem. Sometimes even the name of a business is not listed, only a phone number is listed and there is no way to do research the organization and you can't find out if it is licensed.

Ms. Martin asked if it would be possible to offer some type of a service to charge-a-fee to get updated guidelines on the website. Ms. Yang said they would go through public notice and public hearing if the regulations change. Mr. Manning thought the Subcommittee recommendations were very good and we should see how successful these are. He doesn't know if name and license number should be required, as other groups, pharmacy, optometrist, don't have this listed, and it should be investigated further.

Ms. Horning mentioned that Praudigy group is the reason for her suggestion. The dispenser in question, when finally located was licensed to Sears, not Praudigy and it was a time consuming search to find this information.

Mr. Sager stated that not everybody licensed will be staying with the original office, in six months they might have gone elsewhere. Not all are with the same organization for 25 years. Ms. Peffers said that if she puts someone's name and picture in a newspaper ad, and two weeks later he could be with her biggest competition, and that doesn't look good. You don't have to be a hearing aid dispenser to own a business, Costco for example, who would they list and put in? Ms. Hunter said the Medical Board licenses clinics, and a physician owns the clinic. Ms. Crawford asked if a company could appoint one person to be responsible for the advertising and that person could answer questions. Mr. Sager stated that Kaiser/John Muir Medical Center has no individual contact and we don't hold doctors to that same guideline that we want to hold our profession to. They don't list a contact person.

Ms. Carrera thinks it is important to protect consumers and didn't think we need to follow other boards. It is important to protect the consumer not the businessperson.

Ms. Martin asked who was responsible for executing the recommendations. Ms. Crawford responded she thought the Bureau in conjunction with the associations.

Ms. Horning said not all licensees are members of the association, CAA has 15% membership of licensed audiologists. Ms. Peffers mentioned that HHP does a written mailed newsletter every quarter that goes to all licensees in the state of California, not just the members.

Ms. Peffers asked if we could deter the posting license number in advertisements to another meeting. Ms. Crawford said that Subcommittee went over possible revisions to the advertising guidelines which will be available at the next meeting. Ms. Martin asked that there be an update at the next meeting.

### Agenda Item VII- Consumer Outreach

Ms. Crawford reported on two outreach events that she and Mr. Puleo attended, and one that she and Ms. Newcomer attended in San Francisco.

Ms. Crawford also informed the committee of possible minor changes that need to be made to the brochure.

Mr. Puleo said that "aid" should be used for Hearing Aid device, in 30-day warranty information.

Mr. Manning said that the Attorney General was not definitive with the 30-day tolling. It was mentioned that the Song-Beverly already does that.

Ms. Crawford said that we could bring more information to the next meeting regarding the Civil Code and the Attorney General opinions. Ms. Dobbs said she could do further research.

#### Agenda Item VIII- Examination Update

Ms. Newcomer reported on the December 2, 2007 Practical Exam that was held in San Diego.

#### Agenda Item IX- Continuing Education Course Review Update

Ms. Newcomer reported that any questions regarding approval of Continuing Education courses, are referred to Ms. Horning, Mr. Sager, or Mr. Manning for assistance.

#### Agenda Item X- Future Advisory Committee Meetings

Future dates were discussed. The Bureau will contact, via email, all members to set future meeting dates.

#### Agenda Item XI- Public Comment

None

#### Agenda Item XII- Adjournment

The meeting adjourned at 12:30 p.m.